

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

## MARVIN G. HOLLIS.

**Plaintiff.**

C 07-2980 THE (PR)

**[PROPOSED] ORDER  
GRANTING MOTION TO  
DISMISS**

ELOY MEDINA,

Defendant.

Plaintiff Marvin G. Hollis is a state inmate incarcerated at High Desert State Prison. He filed this action under 42 U.S.C. § 1983 and makes a First Amendment claim against Defendant E. Medina.

Defendant filed a motion to dismiss the action because Plaintiff failed to exhaust his available administrative remedies before filing suit, as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) and failed to state a claim for relief. Defendant argued that Plaintiff failed to exhaust his available administrative remedies because: (1) Plaintiff failed to exhaust his available administrative remedies before filing this federal civil rights action; and, (2) Plaintiff failed to pursue his administrative appeals to exhaustion through the requisite third level of review. Defendant also argued that Plaintiff did not state a claim for relief against Defendant. Thus, Defendant requested that Plaintiff's action be dismissed for failure to properly exhaust

1 available administrative remedies before filing suit, as required by the Prison Litigation Reform  
2 Act and for failure to state a claim for relief against Defendant.

3 After full consideration of all pleadings and good cause appearing, the Court grants  
4 Defendant's motion to dismiss the action.

5 IT IS SO ORDERED.

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Dated: \_\_\_\_\_

The Honorable Thelton E. Henderson

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